

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Eldorado, Texas)

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MM Docket No. 01-294
RM-10304

REPORT AND ORDER
(Proceeding Terminated)

Adopted: June 26, 2002

Released: July 5, 2002

By the Assistant Chief, Audio Division:

1. The Commission considers herein the Notice of Proposed Rule Making (“Notice”), 16 FCC Rcd 18078 (2001), issued in response to a petition filed by Jeraldine Anderson (“petitioner”) proposing the allotment of FM Channel 293A to Eldorado, Texas, as an additional local FM transmission service at that community.¹ Petitioner filed comments reiterating her intention to apply for Channel 293A if it is allotted to Eldorado, as requested.² No other comments were received.

2. In view of the interest expressed in providing an additional local aural transmission service to Eldorado, Texas, we will allot Channel 293A to that community, as requested.

3. As stated in the Notice, Channel 293A can be allotted to Eldorado, in conformity with the minimum distance separation requirements of Section 73.207(b)(1) of the Commission’s Rules provided the transmitter site therefor is located at least 1.3 kilometers (0.8 miles) southwest of the community, utilizing reference coordinates 30-51-14 NL and 100-36-43 WL. Additionally, as Eldorado is located within 320 kilometers (199 miles) of the U.S.-Mexico border, concurrence of the Mexican government to the proposed allotment of Channel 293A at that community has been requested, but not yet received. Rather than delay the opportunity to file an application for this allotment, we will allot Channel 293A at Eldorado at this time. However, if a construction permit is granted prior to the receipt of formal concurrence by the Mexican government, the construction permit will include the following condition: “Operation with the facilities specified herein is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement, or if specifically objected to by Mexico.”

¹ Channel 258C1 has also been proposed for allotment at Eldorado in the context of MM Docket No. 01-273, in response to a petition filed by Linda Crawford.

² Petitioner’s comments were late filed. However, in accordance with Commission policy, the comments will be accepted for the purpose of expressing continuing interest in the proposal since the proceeding is uncontested. See Santa Isabel, Puerto Rico, 3 FCC Rcd 2336 (1988), aff’d, 4 FCC Rcd 3412 (1989); aff’d, sub nom. Amor Family Broadcasting v. FCC, 918 F.2d 960 (D.C. Cir. 1990).

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective August 19, 2002, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, under Texas, IS AMENDED, to read as follows:

<u>City</u>	<u>Channel No.</u>
Eldorado, Texas	285A, 293A

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

6. A filing window for Channel 293A at Eldorado, Texas, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

7. For further information concerning the above, contact Nancy Joyner, Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 293A at Eldorado, Texas, should be addressed to the Audio Division, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau